

Remarks

The Examiner has required election between the invention of group I of claims 28 through 37 drawn to a method for applying a flat material web and group II of claims 38 through 54 drawing to a device for applying closure components to a web.

In response to the restriction/election requirement the Applicant hereby elects group I of claims 28 through 37 drawn to a method for applying a flat material web. This election is made **with traverse**. The traverse is based on the following argumentation.

In articulating the restriction/election requirement the Examiner states that the inventions of groups I and II do not relate to a single generic concept under PCT rule 13.1 because they lack the same or corresponding special technical feature. The common technical feature is not distinguishing from prior art, since the anvil roller with the surface section having a curvature less than that of the peripheral curvature does not make a contribution over the prior art due to Rajala '347. Moreover, the restriction/election requirement is justified, since a serious search and examination burden results if restriction were not required.

In responding to the lack of single generic inventive concept argument under PCT rule 13.1, the Applicant has examined the Rajala '347 reference and has not found any indication for disclosure of an anvil roller having a surface section with a curvature which is less than a peripheral curvature of the anvil roller. On the contrary, the anvil roller 30 of the '347 patent has a surface section 46 having a radius of curvature which is approximately equal to the curvature of the anvil roller per se (see in particular figure 2 and associated discussion). The Applicant therefore submits that this feature is in fact not disclosed by the '347 reference. In

stating the grounds for the restriction/election requirement, the Examiner has not indicated which specific portion of Rajala reference '347 discloses the special technical feature. The Applicant submits that the requirement for restriction/election is improper. Should the Examiner maintain his position with respect to the requirements of PCT Rule 13.1, the Applicant requests indication by the Examiner of which reference symbols of Rajala correspond to the special technical feature and which portions of the Rajala disclosure (column, lines) describe the special technical feature. Baring such an indication on the part of the US PTO, the Applicant concludes that in fact the US PTO has erred, since the Rajala reference does not disclose the special technical feature.

With regard to the search burden articulated by the Examiner, the Applicant directs the Examiner's attention to the invention as amended. In particular former device claim 38 has been cancelled and the invention has been directed to new independent device claim 55. New independent device claim 55 is identical to method claim 28 with the difference being that method steps a) through e) of method claim 28 are now recited as device elements using means plus functional language. The claim coverage of claims 55 and 28 are therefore substantially identical and no separate search is required to examine the contents of those two claims. Therefore, the amendment eliminates the search burden of the US PTO with respect to independent claims 28 and 55. The Applicant therefore requests reconsideration on the part of the US PTO and withdrawal of the restriction/election requirement as well examination of all claims of record.

No new matter has been added in this amendment.

Respectfully submitted,

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